

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 19 2008

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CARLOS SIMMONS,)
) NO. CY-08-0100-LRS
Plaintiff,)
-vs-)
) ORDER OF DISMISSAL
UNITED PARCEL SERVICE, INC.,)
)
Defendant.)

Before the Court is Defendant's Motion to Dismiss, filed September 25, 2008 (Ct. Rec. 15).

DISCUSSION

On August 14, 2008, the Court entered an **ORDER GRANTING COUNSEL'S MOTION TO WITHDRAW AS COUNSEL** (Ct. Rec. 13) in which it granted Plaintiff Carlos Simmons' counsel's (Christine M. Weaver and Tricia Burns-Hart) request for leave of the Court to withdraw as attorney for the plaintiff in this case. Defendant did not oppose that motion.

In the order, the Court gave the Plaintiff thirty (30) days to have another attorney file an appearance on his behalf or appear *pro se*. The Court warned if no such appearances were forthcoming, or if Plaintiff does not respond in writing to the order, this case would be dismissed without prejudice. No new counsel has appeared on behalf of Plaintiff nor has Plaintiff filed an appearance *pro se*.

1 On September 25, 2008, Defendant UPS filed a motion to dismiss and
2 noted it for November 24, 2008, without oral argument. No response to
3 this motion was filed nor was there any response to Ct. Rec. 13.

4 Accordingly,

5 **IT IS ORDERED** that:

6 1. Defendant's Motion to Dismiss, Ct. Rec. 15, filed September 25,
7 2008, is **GRANTED**. The Complaint is **dismissed without prejudice**.

8 2. The District Court Executive is directed to file this Order,
9 provide copies to plaintiff, and counsel, and **CLOSE FILE**.

10 DATED this 19th day of December, 2008.
11

12
13 

14 LONNY R. SUKO

15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26